IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10684 of 2005

Between:

1 P.V.Surya Narayana Reddy, M.Sc.,B.Ed.,
S/o. P.C.Venkata Reddy,
Proddatur, Kadapa District.
2 C.Santa Kumari, D/o. C.Obaiah,
Y.S.Nagar, Proddatur, Kadapa District.

..... PETITIONERS

AND

1 The State of Andhra Pradesh, rep. by its Commissioner and
Director of School Education, Saifabad, Hyderabad.
2 The Regional Joint Director of School Education, Kadapa,
Kadapa District.
3 The District Educational Officer, Kadapa, Kadapa District.
4 St. Joseph Convent EM High School, Satyapura, Proddatur,
Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the Proceedings Rc.No.5320/B3/2004 dt.19-04-2005 of the 2nd respondent in rejecting the proposals for selection of the petitioners for the aided posts of School Assistant (Maths) (OC Minority Men), and the post of Attentder (OC Minority Women) respectively held on 28-10-2004 as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondents herein to approve the selection of the petitioners made on 28-10-2004 for the posts of School Assistant (OC Minority Men) and Attentder (OC Minority women) in the 4th respondent school immediately without reference to the impugned memo which is consequential to the Memo No.12080/C&DSE/A2/2004-4, dt.20-10-2004 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.T.V.S.KUMAR
Counsel for the Respondent Nos.1 to 3: GP FOR SCHOOL EDUCATION
Counsel for the Respondent No.4:--

The Court at the stage of admission made the following ORDER:

This writ petition is filed by the petitioners aggrieved by the proceedings dated 19.04.2005 issued by the second respondent, under which, the proposals sent by the fourth respondent for approving appointment of the petitioners as School Assistant and Attender respectively, was rejected on the ground that a ban was imposed by the Government by proceedings dated 20.10.2004.

2. According to the petitioners, the posts, School Assistant and Attender fell vacant long back and the fourth respondent - Institution sought for permission of the third respondent-District Educational Officer, Kadapa, who is the competent authority, to fill up the posts. The third respondent issued orders on 13.10.2004 permitting the fourth respondent to proceed with the process of selection for filling up of the vacant aided posts and also appointed a nominee of the District Educational Officer to participate in the Selection Committee. Thereafter, the fourth respondent conducted the selections on 28.10.2004 and in the process of selection, the petitioners were selected for the posts of School Assistant and Attender. Consequently, the names of the petitioners were forwarded to the third respondent for approval, who in turn, sent the list to the second respondent. The second respondent, however, by the impugned proceedings, rejected the proposal. Hence, the present writ petition.

3. At the time of hearing, the learned counsel for the petitioners contended that this Court has already accepted the contention of the petitioners, where approval was granted by the Competent Authorities, prior to the date of ban imposed by the Government by memo dated 20.10.2004 and in the present case also the approval was granted by the third respondent prior to the date of the ban imposed by the Government. Therefore, there is no justification in rejecting the approval by the second respondent showing the Government Memo dated 20.10.2004 as a ground for rejection.

4. Heard both sides and considered the material available on record.

5. In the present case, the posts fell vacant long before the ban and even the permission for filling up of the posts was also obtained before the ban was imposed, therefore, the ban imposed by the Government by Memo dated 20.10.2004 has no application.

6. Under the above circumstances, the impugned order of the second respondent dated 19.04.2005 is set aside and the respondent-authorities are directed to process the list and pass appropriate orders approving the selection of the petitioners in the respective posts.

7. The writ petition is accordingly disposed of at the admission stage.

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S. Ananda Reddy, J

Date: 21.06.2005

Note: Furnish CC in 3 days

B/o

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To

1 The Commissioner and Director of School Education,
State of Andhra Pradesh, Saifabad, Hyderabad.
2 The Regional Joint Director of School Education, Kadapa,
Kadapa District.
3 The District Educational Officer, Kadapa, Kadapa District.
4 St. Joseph Convent EM High School, Satyapura, Proddatur,

Kadapa District.